The Ordeal of Scientist X, See page 2.

I. F. Stone's Weekly

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VOL. I NUMBER 9 MARCH 14, 1953 WASHINGTON, D. C. 15 CENTS

Washington After Stalin

Amid the burst of bad manners and foolish speculation, there was remarkably little jubilation. A sudden chill descended on the capital. If Stalin was the aggressive monster painted in official propaganda, his death should have cheered Washington. Actually the unspoken premise of American policy has been that Stalin was so anxious for peace he would do nothing unless Soviet soil itself were violated. With his death, the baiting of the Russian bear—the favorite sport of American politics—suddenly seemed dangerous. Even Martin Dies rose in the House to say that while Stalin was "utterly cruel and ruthless, he was more cautious and conservative than the younger Bolsheviks." Few would have dared a week earlier to dwell on the conservative and cautious temperament of the Soviet ruler, much less imply that this was favorable to world stability and peace. Now this theme leaked from every State Department briefing. There was apprehension that after Stalin there might come someone worse and more difficult to deal with.

The cold war claque was critical of Nehru for calling Stalin a man of peace, but Washington's own instinctive reactions said the same thing. The stress put by the White House on the fact that its condolences were merely "official" was small-minded and unworthy of a great power. After all, it is fortunate for America that when Stalin's regime met the ultimate test of war, it did not collapse like the Czar's. The war against the Axis would have lasted a lot longer and cost a great many more American lives if there had been a second Tannenberg instead of a Stalingrad. Stalin was one of the giant figures of our time, and will rank with Ivan, Peter, Catherine and Lenin among the builders of that huge edifice which is Russia. Magnanimous salute was called for on such an occasion. Syngman Rhee, ruler of a satellite State precariously engaged in fighting for its life against forces supplied by Russia, demonstrated a sense of fitness in his own condolences which Washington seemed afraid to show.

It is difficult to pursue dignified and rational policy when official propaganda has built up so distorted a picture of Russia. Many Americans fed constantly on the notion that the Soviet Union is a vast slave labor camp must have wondered why the masses did not rise now that the oppressor had vanished. The Bolshevik Revolution is still regarded here as a kind of diabolic accident. The necessities imposed on rulers by the character of the countries they rule is ignored. To understand it would be to put the problem of peaceful relations with Russia in quite a different perspective and to dissipate febrile delusions about "liberation." The wisest of the anti-Communist Russian emigres of our generation, Berdyaev, in his *The Origin of Russian Communism* has touched on the way Bolshevism succeeded because it was so deeply rooted in Russia's character and past. Bolshevism "made use," Berdyaev wrote, "of the Russian traditions of government by imposition. . . . It made use of the characteristics of the Russian spirit . . . its search after social justice and the Kingdom of God upon earth . . . and also of its manifestations of coarseness and cruelty. It made use of Russian messianism. . . . It fitted in with the absence among the Russian people of the Roman view of property. . . . It fitted in with Russian collectivism which had its roots in religion."

Every great leader is the reflection of the people he leads and Stalin in this sense was Russia. He was also the leader of something new in world history, a party: a party in a new sense, like nothing the world has known since the Society of Jesus, a party ruling a one-party state. It is this difference which makes nonsense of prediction by analogy based on the principle of legitimacy in monarchy or the later history of the Roman empire. Struggle among the party leaders occurred after the death of Lenin and may occur after the death of Stalin, but the party itself provides a cement strong enough to hold the state together despite such struggles. To regard this as a group of conspirators may prove a fatal error. This is a movement, with a philosophy comparable to the great religions in its capacity to evoke devotion, and based on certain economic realities which give it a constructive function. It has proved itself capable of industrializing Russia and opening new vistas to its masses, and this is its appeal to similar areas in Asia. This is a challenge which can only be met by peaceful competition, for only in peace can the West preserve what it has to offer, and that is the tradition of individual liberty and free thought.

The news from Communist China where party cadres had begun careful study of Malenkov's work weeks before Stalin died indicates that the succession was arranged in advance. There is little reason to expect a sudden fight among the leaders, and no reason to believe such a quarrel would make for world stability. It is time in the wake of Stalin's death to recognize two basic facts about the world we live in. One fact is Russia. The other is the Communist movement. The surest way to wreck what remains of capitalism and intellectual freedom in the non-Communist world today is blindly to go on refusing to recognize these facts and refusing to adjust ourselves to co-existence on the same planet with them. Eisenhower in leaving the door discreetly ajar to possible negotiations with Stalin's successor was wise, and the lesser powers should seize on the sobering moment to urge Washington and Moscow to get together.

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Victory Over Perjury: The Ordeal of Scientist X

Washington, D. C.

The private passion of "Scientist X," Dr. Joseph W. Weinberg, is study of the life and work of Giordano Bruno. Unlike his hero, Dr. Weinberg has escaped martyrdom. His acquittal by a jury in Federal Court here last week may go down in the history of this period as the first great victory over perjury in the current American Inquisition.

The verdict was more than the vindication of a scholar after four years of calumny. It was a black eye for the House Un-American Activities Committee, and for the Tenney Committee in California and for the assorted informers and Federal agents on whom these committees relied. *For if Dr. Weinberg is not guilty of* perjury, then his accusers were and ought themselves to be prosecuted. And the House Committee is guilty of defaming an innocent man, destroying his reputation and driving him out of his university post for the sake of a pre-election sensation.

This is how it began. On September 28, 1948, on the eve of the 1948 election, the House Committee issued a "Report On Soviet Espionage Activities in Connection with The Atom Bomb." The 80th Congress then in session was Republican. J. Parnell Thomas was chairman of the committee. It alleged that "certain vital information . . . of assistance to the Russians in their development of the atomic bomb . . . was actually transmitted." And the report said "The failure to prosecute those who were engaged in this conspiracy is completely inexcusable." The pre-election message was clear. The Truman Administration had protected atomic spies.

The most exciting part of the report concerned a Scientist X. The report described how Scientist X met Steve Nelson, a Communist party official, at the latter's home in Berkeley, California, "late one night in March of 1943." Scientist X "read to Nelson a complicated formula which Nelson copied down" because the formula had to be returned to the university's Radiation Laboratories in the morning. These laboratories were "engaged in vital work in the development of the atomic bomb." A few nights later—so the report said—Nelson met a Soviet official in a park and "transferred something" to him. The committee said, "If the matter transferred included the formula Scientist X had given several days previous—and the inference is irresistible that it did—it was a formula of importance in the development of the atom bomb." This was as good as any Hollywood scenario.

Scientist X when summoned before the committee denied that he knew Nelson, denied that he had ever had any such meeting "with Nelson or anyone else" and denied that he had "ever given to any unauthorized person any formula or other classified information." The report countered, "This is in direct conflict with the testimony of two Federal agents who were assigned to the investigation." When the Committee on the word of "a very reliable and highly confidential informant" later identified Scientist X as Weinberg, the newspaper verdict was guilty and Weinberg soon lost his post as assistant professor of physics. It was said that he had created a public relations problem for the University of Minnesota.

The day after the original House Committee report in 1948, the Department of Justice issued a statement saying that all the matter covered in the report had been "carefully studied . . . on two separate occasions" by the Criminal Division and prosecution found "unwarranted." The Department said the report had been assembled a year before from stray intelligence "leaks" and its release timed by the Committee for the eve of the 1948 elections. Little attention was paid to this, as to other denials.

But to those few who read the Committee report instead of relying on the headlines, there were tell-tale discrepancies and contradictions. The writer called attention to these in a series of articles for the New York Star and (after the 1949 report) in two columns for the New York Compass. While most took the charges at face value, their weaknesses must have been apparent to the Federal grand juries of 1950 and 1951 which considered them. Neither returned indictments. It was not until May of last year, just three days before the statute of limitations would have foreclosed prosecution, that the government finally got an indictment for perjury.

The indictment itself considerably deflated the original charges. If these were true, Weinberg was guilty of war-time espionage. On this there is no statute of limitations. But Weinberg was only indicted for perjury. The important perjuries lay in Weinberg's sworn statement that he had never given classified information to anyone, and that there never occurred any such meeting as the one in which he was alleged to have dictated a secret formula to Nelson. Neither figured in the indictment.

Weinberg was indicted on three counts, none of which had anything to do with atomic espionage. Count 1 was his denial that he had ever been a Communist. Count 2 was his statement that he recalled attending only one meeting of the Communist party, a public meeting under its auspices in Oakland. Count 3 was the statement that he had never met Nelson.

The indictment put an anti-climax on the report. The trial in turn reduced the indictment to a shred. Halfway through, the government withdrew Count 3. In withdrawing the allegation that Weinberg ever knew Nelson it took the last leg out from under the atomic espionage report. A few days later the Judge himself, Alexander Holtzoff, ruled out Count 2. This left only Count 1, the denial of membership in the Communist party.

Two witnesses were produced by the government. One was Joseph Samuel Biskind, a music teacher and part time statistician. He testified that he attended 40 meetings of the Campus branch of the Communist party in Berkeley from the spring of 1939 to June of 1940 and that Weinberg was at 20 of these meetings. When asked how he arrived at this figure, he said there were 52 weeks in the year and 12 weeks of summer vacation. That left 40 meetings a year of the Campus branch. Defense counsel then wanted to know how he arrived at the figure of 20 for the meetings attended by Weinberg.

A. Well, I couldn't prove it from any matter of fact. I simple know that on 20 of these occasions I saw Mr. Weinberg. . . .

Q. Would you tell us the first occasion when you saw Mr. Weinberg?

A. Well, I couldn't recall that at all, sir.

Q. Will you tell us the second?

A. I know one occasion on which I saw him at a meeting . . .

Q. You don't remember any other occasion, is that right?

A. No, sir.

The other witness, John Graham Backus, said he had "a visual image" of Weinberg lying on the floor at a Communist meeting but "this all happened 14 years ago and I could be wrong." When the prosecutor, William Hitz, angrily began (as he conceded) to impeach his own witness, Backus said, "I have been over this thing six or seven times with people from the FBI. I have had these two grand jury sessions. I have had sessions in your office, and things have become so confused by this time that what pictures I may have had are very vague."

Q. (By Hitz). Do you also mean to include the one single meeting about which you had this mental photograph. Is that vague?

A. Very vague.

The final blow to the government's rickety case was a surprise witness for the defense. Kenneth O. May, professor of mathematics at a small town college in the Middle West, had the humanity to risk his own position by testifying. May said he was a Communist party functionary in Berkeley at the time, that he roomed with Steve Nelson, that he attended meetings of the Campus branch regularly, that he never saw Weinberg at any of them. May said he was no longer a Communist and had never hid his views. He testified that when asked his profession on being inducted into the Army in 1942 he replied, "Communist party organizer."

The hours of waiting in the witness room at the Federal courthouse were but a sample in miniature of the long agony imposed on the brilliant young physicist and his wife. The acquittal finally made a dud of the sensation served up by the Committee on the eve of the 1948 elections. But how wipe out the suffering and the stain? Restore honor and employment? And are those to go forever unpunished who use Congressional power and immunity to deal in perjury and slander? Not a single person named in that atomic report has ever been indicted for espionage. It linked up with none of the real cases in the wake of the Fuchs affair. It was a fake from first to last, yet all those named in it live under a cloud.

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I. F. Stone's Weekly

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Published weekly except the last two weeks of August at Room 225, 1416 F St., N.W., Washington 4, D. C. Subscription rates: Domestic, $5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, $6; England and Continental Europe, $10 by 1st class mail, $15 by air; for Israel, Asia, Australia and Africa, $10 by first class mail, $20 by air mail. Single copy, 15 cents. Contents covered by copyright. Telephone, STerling 3-0938. Entered as Second Class mail matter, Post Office, Washington, D. C.

Vol. 1, No. 9 March 14, 1953

Defeat for McCarthy

It would be hard to document the Secretary of State's assertion that John Carter Vincent's reporting and evaluation of the facts on China were substandard, and John Foster Dulles in his statement on the Vincent case does not try to do so. No one misjudged the nature of the Chinese Communist movement more completely than "Pat" Hurley and no one was more critical of Chiang Kai-shek than that other rightist favorite, Gen. Wedemeyer. A sober study of the White Paper on China will not bear out the popular charge that Foreign Service officers assigned to China were either misinformed or more prejudiced against Chiang than the facts warranted. Men like Vincent and John Stewart Service are guilty of nothing but the misfortune of being picked as targets by an utterly unscrupulous lobby.

But when that has been said it is necessary in the light of political realities to applaud the action taken by Mr. Dulles in the Vincent case. The Secretary of State's decision was a victory for decency and a defeat for McCarthy and McCarran. These two Senatorial vultures have been working for two years to pick clean the bones of Vincent's reputation. To have a Republican Secretary of State rule after all their charges and "testimony" that Vincent was neither disloyal nor a security risk is a bitter pill for them to swallow and must deepen the nascent hostility between the Eisenhower Administration and the crypto-Fascist bloc in Congress. The Secretary of State was thereby also calling their pet witness Louis Budenz a liar. In this respect the Secretary's finding will help that other target of the two Mc C's, Owen Lattimore.

Those Christians!

Another unexpected pleasure of the week was hearing Miss Tima D. Ludins, the retired New York high school teacher, give the Jenner committee a piece of her mind. Miss Ludins told the committee among other things that she had dropped in the night before at the movie, *Androcles and The Lion,* now playing in Washington. She recommended it to the Committee. "In the movie," Miss Ludins pointedly related, "Caesar says that for every Christian we throw to the lions, two more spring up." Jenner and his colleagues ought to call off the education hearings while they reinvestigate Hollywood. Who had the bright idea of putting on Androcles just at this time? Everybody knows Shaw was a Red, and as for the early Christians the less said about them the better. While Jenner and his colleagues fiddle, it would be better to have no more movies showing how Rome burned.

What? No Parking Tickets?

From a Justice Department press release announcing denaturalization proceedings against a Communist: "that he failed to disclose that he was not attached to the principles of the Constitution of the United States, and that he did not reveal that he has (sic) been arrested in Lawrence, Massachusetts, November 10, 1931, on charges of disorderly conduct, unlawful assembly and obstruction of sidewalk."

Pedestrian Statue!

In November, 1951, General Van Fleet's Judge Advocate General gave out a sensational report on the mistreatment of prisoners of war by the Reds. "U. S. Reveals Reds Killed 5500 G.I. Captives in Korea" said one headline and another, "Reds Butchered More Americans Than Fell in '76." But when Congressman O'Konski asked General Van Fleet last week how our POW's were being treated by the enemy, the answer was that we had no information. None of the awed Congressmen on the House Military Affairs Committee had the nerve or knowledge to ask the returned hero about these earlier atrocity reports given out by the Eighth Army.

At the public hearing Van Fleet was in quite a "Pippa Passes" mood. The Eighth Army was the best equipped, clothed, housed and cared for army we ever had in the field. Its men were "happy." The South Koreans "love us." Operation Smack was "highly successful as far as experience is concerned." Syngman Rhee was a great leader, scholar and poet. The silliest question asked him was to tell the committee, "if it wasn't secret information," just how the United Nations "transmuted" its orders to the Eighth Army.

Of course no one was rude enough to ask the General just what he meant when he told that visiting Filipino delegation in Korea January of last year, "Korea was a blessing. There had to be a Korea either here or some place in the world." Maybe somebody will be intrepid enough to ask the question if Van Fleet's conflicting statements on ammunition leads to a full dress investigation. Someone ought to do a statue of the general in characteristic pose with his foot in his mouth.

Non-Sequitur Award

After many years in the Justice Department as counsel to J. Edgar Hoover, it is not hard to understand why Federal Judge Alexander Holtzoff was shocked by the jury verdict acquitting Dr. Joseph W. Weinberg. The verdict was hardly a triumph for the FBI. But it was a striking non-sequitur to dwell on the supposed situation during the war at the Radiation Laboratories of the University of California and then add, "That may not have any bearing on the defendant's guilt or innocence." If the Judge was not sure it had any bearing on Dr. Weinberg's own guilt or innocence, was it fair to make a statement casting a new slur on a young scientist the government has long hounded without ever producing proof enough to convict? It's hard enough to get a fair trial in the District of Columbia without scolding juries which have the courage to disagree with the government.

Hat's Off

To Joseph A. Fannelli and Harry I. Rand, defense counsel for Dr. Weinberg, for their skill and devotion in winning a verdict of acquittal from a District of Columbia jury, a feat which recalls Lord Erskine's successes as counsel for accused radicals in a similar period in the England of the 1790's. Both Fannelli and Rand are former New Dealers (Justice and Interior). Fannelli as chairman of the Board of Immigration Appeals in 1941 handed down a famous decision (later reversed by then Attorney General Biddle but subsequently upheld by the U. S. Supreme Court) against the deportation of Harry Bridges.

The Age in Which The Peace Was Lost

This was the Truman era. I. F. Stone's *The Truman Era,* to be published May 4 by Monthly Review Press in the United States and by Turnstile Press in England, covers the period with the vividness of a diary and the charm of a series of familiar essays. The collected columns and dispatches which make up the book go back to some vivid reportage on the formation of the United Nations in San Francisco and include some of his best satirical pieces. The size of the advance sale has made it possible to reduce the price from $3.50 to $3. The pre-publication price is still $2, and the book can be ordered at that price now through the Weekly, or obtained at $1 with one new subscription or free with two new subscriptions. This is a book every PM and Compass fan will enjoy. If you are a news stand buyer of the Weekly you can save $2.50 a year and get the book for $1 by using the subscription blank on page four.

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Morse Truckles to The Witch Hunters

Coming from Morse of Oregon the statement that academic freedom in America had nothing to fear from Congressional investigation provoked surprise at the Eighth National Conference on Higher Education in Chicago last week. For a Senator who is making independence and liberalism his stock in trade, Morse's blind spot is disturbing. It has been evident since January 30 when a resolution came before the Senate to give $150,000 more to the Internal Security Subcommittee. This is the so-called "McCarran Committee" now investigating higher education under Jenner.

It was natural to expect that an independent liberal would take the floor to fight that appropriation. Morse told the Senate that ever since Jenner and McCarthy had requested additional money, Morse had been getting letters asking him to oppose them. The Senator said he would not be a party to any such effort and even doubted "whether the committees are asking for sufficient funds."

From the remarks which followed one might have thought that Jenner and McCarthy were characters newly arrived on the national scene. Morse said he would not assume that investigating committees would not live up to their "trust merely because some persons do not like some of the committee members personally." The Senator from Oregon said righteously that he would not "indulge in a presumption of guilt against anyone, including any colleague in the Senate."

Eisenhower merely allowed Jenner to embrace him. Morse embraces Jenner. "To the Senator from Indiana," Morse said, "I say I wish him well in the investigation." Morse cast suspicion on those who have been fighting the witch hunt. "Does the Senator agree with me," Morse asked Jenner, "that there are those in this country who seem to be in opposition to . . . any increase in funds for the investigation of subversive activities because, for their own reasons, none of which is good, they do not want the Congress to put itself in a position where it will have the funds to detect subversive activities"? The Senator from Indiana was delighted to agree.

When Lehman criticized McCarran in the Senate on February 20, Morse agreed that in the work of investigating committees "abuses have developed in the past." But Morse added charitably that this was to be expected "because members of Senate committees are human." This is the first time anyone has suggested that what is wrong with McCarran, McCarthy and Jenner is their humanity.

Morse, in submitting his resolution for the reform of investigating committee procedure, seemed to feel that only a set of rules was necessary to end abuses. But it is not lack of rules which is at fault. It is the notion that Congressional committees have a right to investigate private opinion. And it is the cowardice of other Senators which permits unscrupulous and self-seeking Senators to smear and terrorize with impunity. One might as well enact a code of conduct for Old Nick himself. McCarran was ready to agree that of course "so far as possible . . . fair procedures should be followed." The trident should never be hotter than so many degrees nor plunged more than so many inches into the subject.

Morse's subservience to the standards of the witch hunt reached a new stage last week when he not only supported the resolution to subject all Senate employes to loyalty clearance but proposed that this be extended to Senators as well. The amendment was shouted down by the Senate. "Loyalty" clearances will serve to do on the Hill what they have already done in the other branches of the government. They will make it difficult for liberals to work for Senators and Senate committees. Taft had the good sense to move that Senate employes be cleared only with the FBI and not as originally proposed with the House Un-American Activities Committee and Central Intelligence. But there are few liberals against whom something "derogatory" may not turn up in the unprocessed rubbish revealed by the Coplon case in the FBI files.

Morse would have had the Senate exclude anyone elected to the Senate "if the FBI knows that in fact he is not a good security risk, even though he may have fooled the people of his state into electing him." This would give a secret police, often politically illiterate and always reactionary, a veto power over the election of Senators. It is hard to believe that this was Wayne Morse of Oregon talking.

I. F. Stone's Weekly 3-14-53

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